Security Council

Sixty-fifth year

Provisional

6264th meeting

Friday, 22 January 2010, 3 p.m.
New York

President:	Mr. Zhang Yesui	(China)
Members:	Austria	Mr. Mayr-Harting
	Bosnia and Herzegovina	Mr. Barbalić
	Brazil	Mrs. Viotti
	France	Mr. Araud
	Gabon	Mr. Issoze-Ngondet
	Japan	Mr. Takasu
	Lebanon	Mr. Salam
	Mexico	Mr. Heller
	Nigeria	Mrs. Ogwu
	Russian Federation	Mr. Shcherbak
	Turkey	Mr. Apakan
	Uganda	Mr. Mugoya
	United Kingdom of Great Britain and Northern Ireland	Sir Mark Lyall Grant
	United States of America	Ms. DiCarlo

Agenda

Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)

Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo (S/2010/5)

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10-21617 (E)

Please recycle

The meeting was called to order at 3.05 p.m.

Adoption of the agenda

The agenda was adopted.

Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)

Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo (S/2010/5)

The President (*spoke in Chinese*): I should like to inform the Council that I have received a letter from the representative of Serbia in which he requests that the President of the Republic of Serbia be invited to participate in the consideration of the item on the Council's agenda. In accordance with the usual practice, I propose, with the consent of the Council, to invite the President of the Republic of Serbia to participate in the consideration of the item, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

I request the Protocol Officer to escort His Excellency Mr. Boris Tadić, President of the Republic of Serbia, to a seat at the Council table.

Mr. Boris Tadić, President of the Republic of Serbia, was escorted to a seat at the Council table.

The President (*spoke in Chinese*): On behalf of the Council, I extend a warm welcome to His Excellency Mr. Boris Tadić, President of the Republic of Serbia. In accordance with the understanding reached in the course of the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to His Excellency Mr. Lamberto Zannier, Special Representative of the Secretary-General and head of the United Nations Interim Administration Mission in Kosovo.

It is so decided.

I invite Mr. Zannier to take a seat at the Council table.

In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Skender Hyseni.

It is so decided.

I invite Mr. Hyseni to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2010/5, which contains the report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo.

At this meeting, the Security Council will hear a briefing by Mr. Lamberto Zannier. I now give the floor to Mr. Zannier.

Mr. Zannier: I would like to begin with a thought for the victims of the catastrophic earthquake that has devastated Haiti and so cruelly struck down so many, including our colleagues and friends, some of whom had previously served with the United Nations Interim Administration Mission in Kosovo (UNMIK). We are sorely diminished by their loss.

The report before the Council today (S/2010/5) contains details of UNMIK's activities from 16 September to 15 December 2009. During this period, UNMIK continued to perform its functions under resolution 1244 (1999). Our overriding objective remains to ensure lasting security, stability and respect for human rights in Kosovo and the region. We are pursuing our objective by supporting Kosovo's communities, encouraging reconciliation, and facilitating dialogue and regional cooperation.

As was the case during the previous reporting period, Kosovo has remained largely peaceful and stable, although tensions and the possibility of flare-ups remain in northern Kosovo. The past three months have been politically eventful, with both the Kosovo authorities and the Government of Serbia conducting municipal elections. While UNMIK was not involved in the organization or calling of any of these elections, their peaceful and mostly orderly conduct was an encouraging sign.

While Kosovo Serbs living in the northern municipalities of Zveçan/Zvečan, Leposaviq/Leposavić

and Zubin Potok did not participate in the elections conducted by the Kosovo authorities, participation by Kosovo Serbs living south of the Ibar River, although relatively low in absolute numbers, was substantially higher than in recent elections and resulted in the establishment of three new Kosovo Serb-majority municipalities. In all three, as well as in the existing Kosovo Serb-majority municipality of Shtërpce/Štrpce, the balloting resulted in the election of Kosovo Serb mayors and Kosovo Serb-majority municipal administrations. Leaving status considerations aside, these developments allow communities to play a meaningful role in their local administration, which increases confidence levels among the population and creates a climate more conducive to increased returns and a more multi-ethnic Kosovo.

Northern Kosovo however, remains a flashpoint. Relations between the Kosovo Serb and Kosovo Albanian communities there remain tense, although a greater understanding now appears to prevail in the matter of the reconstruction of houses by the communities. During this reporting period, eight Kosovo Albanian families moved into their newly reconstructed houses in the Kroi i Vitakut/Erdjani area without incident.

However, even this peace remains tenuous. For instance, earlier this month a group of Kosovo Serbs, suspecting that Kosovo Albanians were engaging in construction beyond what had been agreed upon in UNMIK-facilitated negotiations, threw rocks at construction workers and set a truck ablaze. It is clear that UNMIK must continue to shepherd the reconstruction process and monitor the situation closely to ensure that all communities respect existing arrangements to preserve stability, and that effective communication is maintained at all times. The UNMIK administration in northern Mitrovica has proven to be a useful tool in this regard.

A recent, particularly worrying development in northern Kosovo is related to the provision of electricity. The issue is very complex and involves technical, commercial, legal and political aspects. At the end of October, tensions over the supply of electricity to northern Kosovo arose between the Kosovo Energy Corporation and the Electric Power Industry of Serbia, which has taken over the distribution of electricity in the area. This situation has the potential to precipitate a crisis. I hope that agreement between the sides can be reached expeditiously in order to avoid destabilizing the security situation in northern Kosovo.

Over the years, we have learned that dealing with the situation in northern Kosovo requires sustained effort, constant engagement with the communities on the ground, and continuing consultation and coordination with all relevant actors.

A stable security situation is, of course, one of the key elements needed to encourage returns of internally displaced persons (IDPs) and refugees. While rising significantly in comparison to previous quarters, returns nevertheless continue to be low in absolute numbers due to a variety of factors, including the absence of economic prospects and concerns about freedom of movement, which have been raised by Serbia following a recent incident involving the Serbian Minister for Kosovo. UNMIK has been working closely with the Office of the United Nations High Commissioner for Refugees and stays in contact with the authorities in Belgrade and Pristina to encourage returns. Kosovo's leadership states that it is committed to a multi-ethnic Kosovo and open to returns. Nevertheless, more needs to be done to make this objective a reality. In this context, I would also emphasize the need to reopen the Kosovo Property Agency offices in Serbia, which are key to the efficient processing of property claims filed by IDPs and are therefore important for creating the conditions needed to encourage returns.

I am pleased, however, to be able report some positive news relating to a particularly vulnerable group of Kosovo IDPs. There has been encouraging progress in the matter of the relocation of the Roma, Ashkali and Egyptian residents of the Osterode and Çesmin Llug/Česmin Lug camps in northern Mitrovica to more suitable residential accommodation. The European Commission Liaison Office in Pristina has launched a project to facilitate the sustainable resettlement and reintegration of 90 families, and the United States Agency for International Development is funding the building of housing units for 50 more families. Both projects are to begin this year.

On the issue of missing persons, I would have wished for something more positive to report today. Over the past 12 months, 33 sets of bodily remains have been identified and returned to the deceased's families. Clearly, more needs to be done to persuade those with information on the fates and locations of the

missing to come forward and share their knowledge with the ICRC, the European Union (EU) Rule of Law Mission in Kosovo (EULEX), and the Pristina-Belgrade Working Group on Missing Persons. Once again, I appeal to all of those who have any pertinent information to come forward.

The implementation of the Secretary-General's report of 24 November 2008 (S/2008/692) has also seen less progress than we would have hoped for. The finalization of the terms of reference for the Kosovo Serb deputy director general of the Kosovo Police, which include functions related to the coordination and integration of police personnel from the communities, is a positive sign and I welcome it.

Regrettably, however, there has been little progress in setting up multi-ethnic courts in northern Kosovo. The Government of Serbia's recent appointment of judges for Kosovo has prompted the Kosovo authorities to renew their calls for the dismantling of Serbian judicial structures. In the meantime, detainees remain in prison, civil cases remain unresolved, and the population is denied effective access to justice. I hope that a constructive approach will be adopted by both sides in the re-establishment of multi-ethnic courts, which is in the interest of all, regardless of ethnicity. Equally, an agreement on re-establishing a fully-functioning customs regime in northern Kosovo has proven elusive.

In the area of cultural heritage, there has been progress since my last presentation to the Council. I expect an early agreement on the long-awaited appointment of a European Union envoy, who will provide the parties with a mechanism for cooperation in matters related to the protection of the cultural heritage of the Serbian Orthodox Church in Kosovo. UNMIK stands ready to assist and work with the EU envoy in order to bring about progress in an important area of common interest.

In another area of common interest, regional development, UNMIK has continued to facilitate Kosovo's participation in regional and international forums. This reporting period has seen a particularly active schedule of meetings of international and regional mechanisms, and UNMIK has made possible the participation of Kosovo's institutions whenever it would otherwise not have been possible due to the non-recognition of Kosovo by some Member States involved in the mechanisms. I firmly believe that Kosovo's participation in regional and international coordination mechanisms is in the interests of the development and stability of Kosovo, as well as of the entire region, and I therefore hope that Belgrade and Pristina will find a way to put status considerations aside in furtherance of this goal.

The longer-term stability and development of Kosovo lies in a successful process of reconciliation between the communities. I therefore welcome President Tadić's message, on the occasion of his visit to the Visoki Dečani monastery to celebrate Orthodox Christmas, that all people, regardless of their identity, should reconcile their differences. I have heard similar statements from the Kosovo authorities. I hope that Belgrade and Pristina demonstrate by their actions that the well-being of the population of Kosovo will not be sacrificed on the altar of political agendas.

In my previous briefing to the Council (see S/PV.6202), I said I detected that the Kosovo authorities tacitly acknowledge some areas where UNMIK can complement and supplement their efforts in the context of Kosovo's economic development and stability, and I am pleased to report that the Kosovo authorities now appear to show a greater understanding of our role.

The Organization for Security and Cooperation in Europe (OSCE) and EULEX continue to perform important functions that complement those of UNMIK, within the framework of resolution 1244 (1999). The OSCE continues to effectively monitor community-related issues through its network of field offices. The contributions of EULEX in mentoring, monitoring and advising the Kosovo authorities in the area of the rule of law, and of EULEX and the Kosovo Force in providing security and stability in Kosovo, remain of critical importance.

UNMIK is also working in close coordination with the United Nations Kosovo team to promote a shared vision of United Nations strategic objectives for peace consolidation in Kosovo. In this regard, we are focusing on enhancing our collaboration for the benefit of Kosovo and the entire region.

As always, my staff and I are grateful for the support of the Security Council and hope to be able to count on its continuation. The Council can count on our full commitment to the implementation of the tasks with which it has entrusted us.

The President (*spoke in Chinese*): I thank Mr. Zannier for his briefing.

I now give the floor to the President of the Republic of Serbia, His Excellency Mr. Boris Tadić.

President Tadić: Thank you, Mr. President, for convening this meeting of the Security Council in accordance with resolution 1244 (1999).

Before turning to the issue that has brought us together, I would like to express my deepest condolences to the friendly Government and people of the Republic of Haiti — as well as to Secretary-General Ban Ki-moon and the United Nations Secretariat — in the wake of the tragic earthquake that has claimed countless human lives and resulted in unimaginable destruction. Our thoughts and prayers are with the families of the victims. As a contributor to the police component of the United Nations Stabilization Mission in Haiti, the Republic of Serbia will continue to work with the survivors and with the international community. We will help in the effort to rebuild the country through the material assistance our Government has pledged to provide, and by greatly increasing our presence in Haiti.

Once again we are gathered to discuss the situation in the Serbian province of Kosovo and Metohija. Almost two years ago, its ethnic Albanian authorities attempted to secede from my country through a unilateral declaration of independence, or UDI. Our principled position regarding our province's future status is set in stone. Serbia will never, under any circumstances, implicitly or explicitly, recognize the UDI. This is a constitutional imperative, as well as our moral, historical and, above all, democratic duty. On this fundamental point, our nation is united as one. The UDI has divided the world and the Balkans. It has brought into question the fundamental tenets of the contemporary international system, while setting back efforts to consolidate the region's democratic gains.

A substantial majority of United Nations Member States and of Security Council members have not supported the attempt to impose the forcible partition of a United Nations Member State. They have continued to respect the sovereignty and territorial integrity of my country. On behalf of the Republic of Serbia, I would like to reiterate our deep gratitude to the friendly Governments and peoples of those countries, for their dedication to upholding international law as we seek to resolve Kosovo's future status through law and diplomacy. Their solidarity will never be forgotten.

As the report (S/2010/5) before the Council reminds us, the General Assembly tasked the International Court of Justice with determining whether the UDI conforms to international law. This has turned out to be a landmark case. It is the first time that the Court has been asked to consider the legality of a unilateral attempt by an ethnic minority to secede from a United Nations Member State in peacetime, in defiance of its Constitution and against the will of the Security Council. It is also the first time that all five permanent members of this Council have participated in a proceeding before the Court. During the reporting period, a crucial stage in the judicial process, the oral hearings, came to an end. A record number of countries presented their views. This made it the largest case in the Court's history, and it demonstrated that Kosovo's future status remains an open, unresolved question.

The International Court of Justice will deliver its conclusions this year, with overarching consequences for the international legal order. It is therefore particularly important for all to respect the fact that the Court has begun its deliberations. The judges' work should be allowed to run its course, without political pressures such as further recognition of Kosovo's UDI. Once the Court hands down its opinion, an opportunity will be created to find a way forward.

We believe that dialogue is the most effective means to achieve the only sustainable outcome: a mutually acceptable, viable solution that will not recklessly sacrifice the geostrategic priorities of all on the altar of the communal aspirations of a single party. Serbia seeks to resolve all outstanding political differences through negotiations. We are fundamentally committed to making 2010 the year of peaceful solutions, as the next logical development following the Court's decision. And we are carefully examining all the possibilities.

This will not be easy. The psychological barriers are high, and trust needs to be restored. A first step is to realize that the 1990s are gone for good. Contemporary Serbia is a democratic, forward-looking society that will soon join the European Union. We should all work together on achieving a common future, with all deliberate speed. As I made clear during my remarks over Christmas from Kosovo in the monastery of Visoki Dečani, my message is one of

peace, and one of reconciliation — between individuals as well as peoples.

I would like to welcome the new members of the Security Council, as well as Special Representative Lamberto Zannier. The United Nations remains an indispensable actor in Kosovo. It is therefore critical that the Council continue to support the fully reconfigured presence of the United Nations Interim Administration Mission in Kosovo (UNMIK) as a crucial pillar of peace and stability.

The constructive approach adopted by the United Nations and organizations that operate under its overall authority has set the stage for responsible stakeholders to act together on improving the lives of all residents in the province. That has been done by putting aside status considerations on a growing number of practical issues. My country has continued to embrace such an approach, in line with the provisions of the November 2008 report (S/2008/692). That has been recognized by the Secretary-General, who has written that: "UNMIK engagement with Belgrade continued to create opportunities for good-faith dialogue and for the development of solutions on a range of issues" (*S/2010/5, para. 48*).

That has produced tangible results. For instance, the protocol on police cooperation between the Serbian Ministry of the Interior and the European Union Rule of Law Mission in Kosovo (EULEX), signed a few months ago, has begun to be implemented. An annex to the protocol was signed in late November, a fact that the report did not mention. That has produced a welcome increase in the exchange of information on organized crime and terrorist activities in the province, an area that continues to be the hub of a sinister international network of traffickers in arms, drugs and human beings.

On a number of other fronts, a shared dedication to status-neutrality by responsible stakeholders has ensured that: "The overall security situation in Kosovo remained relatively calm, but potentially fragile" (*S/2010/5, para. 22*). One example is UNMIK's external representation function. When it is honoured by Pristina, its voice in regional forums continues to be heard, with our support and encouragement. That will remain the only legitimate way for the province to participate in multilateral meetings. Unfortunately, Kosovo's ethnic Albanian authorities refuse to participate with UNMIK in the Central European Free Trade Agreement and other regional organizations, as the report makes clear. Such a policy by Pristina can only lead to self-isolation. We deeply regret Pristina's unwillingness to abide by the provisions of the region's free trade accord and, more generally, the binding procedures on external representation. We call on the province's authorities to reverse that counterproductive policy.

In sum, on the issue of external representation, Kosovo can and should participate in multilateral and regional forums, with the presence of UNMIK officials, who speak first and with either the UNMIK-Kosovo nameplate or a personalized one. No other arrangement will work, despite all the pressure to the contrary.

Working within the framework of status-neutrality has also ensured that issues related to the supply of electricity to Serbian communities do not spiral out of control. As the report highlights, the Pristina-based Kosovo Energy Corporation (KEK) unilaterally cut off the supply of power to north Kosovo. Thanks to the timely response of the Electric Power Industry of Serbia (EPS), a humanitarian catastrophe that would have affected up to 100,000 residents was averted. We gratefully acknowledge the positive role played by UNMIK and the European Union (EU) in preventing further unilateral action by the ethnic Albanian authorities. Serbia looks forward to the successful completion of technical talks between KEK and EPS, which ought to produce a satisfactory long-term solution, including a second provider.

I come to the matter of the Kosovo Force (KFOR). Its unique ability to bridge existing communal divides and to maintain peace and stability on the ground, thanks to its status-neutral approach, remains acknowledged by all. The Republic of Serbia will continue to engage with all responsible stakeholders to ensure KFOR's role is not diminished, especially in the context of safeguarding Serbian patrimony.

Since the March 2004 pogrom, in which 35 holy sites were destroyed over a tragic three-day period, KFOR's direct responsibility for providing security to the Serbian Orthodox Church has been a success. We believe that proposals to hand over responsibility for guarding a number of these sites to local police units, as reported, would not contribute to improving the fragile security situation. That is especially important

given the opposition to such plans clearly expressed by the monastic communities most affected.

We would like to salute UNMIK's "efforts to find durable solutions aimed at the protection of Serbian cultural heritage in Kosovo" (*S/2010/5, para. 10*), especially its engagement with the EU and the Reconstruction Implementation Commission, chaired by the Council of Europe. We concur with the assessment that considerable progress was achieved on this sensitive matter during the reporting period. At the same time, we share the Secretary-General's disappointment that an agreement has not yet been reached. In that context, we welcome his readiness to "support any constructive initiatives by the European Union ..., including the appointment of an envoy" (*S/2010/5, para. 49*).

We believe that an EU facilitator will be able to take appropriate measures to strictly enforce compliance by the authorities in Pristina on all matters related to the protection, conservation and restoration of our holy sites in the province. Regrettably, the precarious state of Serbian patrimony remains a deeply troubling part of the reality on the ground in Kosovo.

The report brings to our attention a number of ongoing problems that have not yet been justly resolved. That includes the repeated refusal of local officials to restore the cadastral record of the Dečani monastery — a UNESCO World Heritage Site in Danger. It also includes an incomplete list of desecrated graveyards — hate crimes meant to compound the physical destruction with an attempt to erase our every trace throughout Kosovo.

Unfortunately, the report passes over in silence the fact that the ethnic Albanian authorities continue to defend the outrageous decision to pave over with concrete the remains of the Serbian church in the centre of Djakovica that has been destroyed twice. This is the fourth time that Serbia has raised the issue in this Chamber. Is it possible that the international community is powerless to get that awful deed reversed? Does the will exist to undo that and other acts of cultural cleansing? Once again, we ask for the Council's help.

Commitments made in this Chamber must be honoured in full. What is agreed in the Security Council and welcomed by it must be implemented in its entirety, from resolution 1244 (1999) to the Secretary-General's six-point plan. Unfortunately, real steps still have not been taken on the political implementation of the provisions related to, for example, the judiciary and customs, despite the clear readiness that we have expressed, time and again, to work out ways of putting into practice what has been mandated by this body.

I start with the judiciary. There have been some constructive preliminary discussions with UNMIK and EULEX. Yet, we have regrettably not been able to move forward on issues such as determining the territorial jurisdiction of the court in Mitrovica, the appointment of judges and prosecutors designed to reflect the ethnic communities that they would serve, and the applicability of UNMIK law. It is high time for talks to intensify. Consensual solutions must be found, in accordance with the provisions of the November 2008 report.

With respect to the delicate matter of customs, technical cooperation between Belgrade and EULEX has proceeded smoothly. Information is exchanged regularly on topics of mutual concern, such as smuggling. Unfortunately, we have not achieved progress on the much more fundamental issue of revenue collection and how it will benefit relevant communities. We hope that, in the months ahead, we can come to workable arrangements with our UNMIK and EULEX partners within the framework endorsed by this Council in November 2008.

The Secretary-General's report discusses at length local elections held in Kosovo called by the province's ethnic Albanian authorities. Much is made of the participation of a minority of Kosovo Serbs and of the unverifiable claims about the elections made by a non-governmental organization called the European Network of Election Monitoring Organizations. We are greatly disappointed that the report is entirely silent on the fact that the election itself was entirely illegitimate, since it was not held in accordance with resolution 1244 (1999).

The facts speak for themselves. The Special Representative of the Secretary-General did not call it, the Organization for Security and Cooperation in Europe (OSCE) did not monitor it and the United Nations did not certify it. Under such circumstances, it was simply impossible for Serbia to support the election because it was clear that conditions did not exist for a vast majority of Kosovo Serbs to participate in it.

I also underline that the report paints an incomplete picture of a highly flawed exercise. It greatly underplays the level of fraud in Serbian areas and fails to account for credible evidence pointing to intense ballot-stuffing, voter intimidation and other grave violations of campaign and election-day procedures, such as disinformation tactics. All this is highly regrettable. An opportunity was missed to depoliticize this vitally important issue. Instead of working with the international community, Pristina chose a unilateralist approach consistent with the so-called Ahtisaari Proposal (S/2007/168/Add.1) — a document that the November 2008 report rightly asserted was "not endorsed by the Security Council" (*S/2008/692, para. 5*).

It is now imperative that we focus our energies on finding a way forward. As has always been the case, we remain in favour of establishing functional decentralization acceptable to all stakeholders. Pristina's election was a false start that will not lead anywhere. We need to work in concert through a status-neutral organization, such as the OSCE, to create a legitimate decentralization package designed to succeed.

The report before us today is entirely silent on the critically important issue of facilitating the entry and transport of Serbian officials within the province. From the adoption of resolution 1244 (1999) to the present day, Serbia has followed a well-established procedure designed to address the security concerns of senior officials moving about the province. We have often asked for escorts due to the heightened degree of risk associated with travelling in that unstable portion of our country. Regrettably, the issue has been increasingly politicized for more than a year. The number of positive replies to our requests for escorts has dramatically plummeted.

It is difficult to imagine how we can contribute positively to developments on the ground if our ability to work closely with the Kosovo Serb community throughout the province is hindered. Encouraged by claims made in previous reports that freedom of movement for Serbs was no longer a problem, Goran Bogdanović, our Minister for Kosovo and Metohija, decided to travel to the Serbian enclave of Štrpce without an escort. He was detained at gunpoint in a village near Štrpce by over 40 ethnic-Albanian special operations police officers. This was a clear violation of resolution 1244 (1999). Heavily armed men told him that they were under instructions to escort him back to the administrative boundary line. Minister Bogdanović asked why he was being forcibly deported, and no answer was given. Later, we were told that Minister Bogdanović's very presence in southern Kosovo was somehow considered to be a threat to public order, despite the fact that he resides legally in the province.

This is an absurd and dangerous claim for anyone to make in twenty-first century Europe. The status-neutral international institutions enabled by this Council to control the province's police structures have an obligation to prevent such abuses to the system for blatantly partisan, illegitimate purposes from taking place. Political disagreements on status should not result in provocative denials of basic human rights to anyone. Such a climate of zealous intolerance cannot but adversely affect what the report qualifies as an already very low number of internally displaced persons who have returned to the province. More than 200,000 Serb victims of ethnic cleansing continue to be denied the right of return. Regrettably, Kosovo's ethnic Albanian authorities seem to want to send the message that accepting the unilateral declaration of independence is a precondition to being beyond the arbitrary reach of the police.

Despite such deplorable conduct, the Republic of Serbia remains dedicated to finding a way to overcome these and many other issues in status-neutral ways, consistent with resolution 1244 (1999) and the values and principles it presupposes.

The Secretary-General's report draws particular attention to the situation in northern Kosovo, which it characterizes as "fragile." Serbia concurs with this assessment. We feel that harsh rhetoric emanating from Pristina regarding legitimate Serbian institutions in northern Kosovo does not contribute to maintaining stability in that part of Serbia. By referring to them as "parallel", EULEX representatives, for instance, have not respected the explicitly status-neutral terms of their own mandate. And they have violated resolution 1244 (1999), the very basis of their legitimacy and presence in Kosovo under the overall authority of the United Nations. Such regrettable outbursts are unacceptable to the Republic of Serbia.

The truly parallel institutions that operate in Kosovo are those created on the basis of the unilateral declaration of independence. Their existence is a violation of resolution 1244 (1999). Should EULEX,

KFOR or anyone else wish to condemn any authority in Kosovo, let them begin with those created unilaterally by the ethnic Albanian authorities in Pristina without the approval of this Council and in clear breach of the principles of international order.

In addition, I must draw attention to alarming news reports that have circulated about what has been termed a "final solution" for northern Kosovo. Sponsored by the so-called International Civilian Office, this plan outlines a number of coordinated policies and actions designed to impose acceptance of the unilateral declaration of independence on the Serbian majority in northern Kosovo. These unilateral schemes, intended to forcibly implement the so-called Ahtisaari Proposal, blatantly violate resolution 1244 (1999). That strategy can be advanced only by the enforcement of a draconian and undemocratic set of measures on the Serbian community in northern Kosovo. Those who announced it — they and they alone — should bear responsibility for the destabilizing atmosphere that such conflict-inciting designs can only be meant to produce.

The Republic of Serbia harshly condemns Pristina's unnecessary and hazardous provocations. That is not the way to constructively engage in overcoming challenges, especially given the enormous efforts of Serbia and other responsible stakeholders to maintain the fragile climate of stability throughout the province in the wake of the unilateral declaration of independence.

I want to underline that it is clear that all parties have their constraints. It is all part of the reality on the ground. But that must not harm those who matter the most, namely, the residents of the province. Pristina's final solution for North Kosovo would not benefit those who live there. It would only satisfy the extremists who want everything that happens in Kosovo to be seen through the distorted lens of the unilateral declaration of independence. Should a choice be made to act on that proposal, we would justifiably expect KFOR and EULEX to protect the Serbian community in North Kosovo from that aggressive intent. We sincerely hope that it will not come to that.

From the right of return to external representation, and from the six points to the future status, our collective experience in the nearly two years since the unilateral declaration of independence teaches us that denying the basic principles of European concord — such as compromise, concession and consensus-building — serves the genuine interest of no responsible party. There is no legitimate alternative to finding a way forward together. The unilateral declaration of independence was just another failed attempt to impose a one-sided outcome. Instead of bringing us closer to one another, it has driven us further apart. That is why it is unsustainable, and why we must now find the courage to harness the forces of moderation and rebuild bridges.

We will have to overcome our prejudices and tame our passions. That will necessitate reconciliation and learning to live with difference. Some will be tempted by the comfort and seductiveness of the old ways. Yet nothing is more certainly doomed to failure, for that time has passed. It must never be allowed to return to the Balkans.

I believe that 2010 can become the year of solutions. It can turn out to be the year when we resolve the status issue in a way that contributes to advancing regional priorities, such as membership in the European Union, within the framework set forth by international law. It can be the year of our success, our year of peacemaking. It is up to us — to this generation of leaders — to find the necessary strength to do the right thing. For the extremists who will want to reject the opportunity that we shall have this year will in truth be rejecting the future we all must share.

The President (*spoke in Chinese*): I thank President Tadić for his statement.

I now give the floor to Mr. Skender Hyseni.

Mr. Hyseni: I wish first to extend Kosovo's profound condolences to the Haitian Government on the tragic loss of human life as a result of the catastrophic earthquake that struck that country. At the same time, our condolences go to the Member States that lost citizens who were serving with the United Nations missions in that country. Of course, we wish to extend our condolences to the Secretary-General on the loss of life among United Nations personnel in Haiti.

As always, I wish first to thank the Security Council for the opportunity to brief it on the situation in Kosovo, namely, on the continued accomplishments and steady progress that the Republic of Kosovo has continued to make since my last address to the Council, on 15 October 2009.

Before I continue, I also wish to congratulate the five new members — Brazil, Gabon, Lebanon, Nigeria and Bosnia and Herzegovina — on their election to the Security Council.

Kosovo has continued to build its State institutions on the basis of our new democratic Constitution, as well as on the basis of the provisions contained in the Ahtisaari comprehensive plan. The year 2009 was a successful one for Kosovo on many fronts. We completed the process of membership with the International Monetary Fund and the World Bank. Recognition of the independence of our country has continued uninterrupted. The Government of Kosovo has been very successful in addressing and resolving many economy, security and justice issues throughout Kosovo.

The well-being of minority communities and the return of Kosovo refugees to their homes and properties have been a priority. The progress achieved during 2009 is obvious. The improvement of conditions in the minority community areas, especially in the Serb-majority municipalities, will remain an issue of high priority for the Government of the Republic of Kosovo during this year as well. We will continue to make special efforts in order to intensify the return of Kosovo Serb refugees and to protect and restore religious and cultural heritage.

As for Kosovo's relations with other States, 65 nations around the world have so far recognized Kosovo as an independent and sovereign State. The most recent recognitions came from New Zealand, the Republic of Malawi and the Islamic Republic of Mauritania. We wish to extend our deepest appreciation to those three countries for their recognition of our country's independence.

On the other hand, Kosovo has entered into diplomatic relations with over 25 States around the world. Following the very successful conclusion of the process of the physical demarcation of the border with the Republic of Macedonia, we signed an agreement on diplomatic relations with that country. The establishment of embassies is under way. On 15 January 2010, diplomatic relations were established with Montenegro as well; ambassadors will be exchanged in due course.

Kosovo stands ready to improve its relations with the Republic of Serbia too. Dialogue between our countries can take place on many issues of mutual concern and interest; this can happen only on an equal footing, as dialogue between two independent and sovereign States.

We reject any calls for renewed negotiations on status. Furthermore, we consider that calls for renewed negotiations on the status of Kosovo come from people who either are unaware of the situation and the great efforts to achieve consensus or, worse, from those who actively seek to create disorder in the region. New negotiations would be highly disruptive and could even spark new conflict in the region. Kosovo's independence is irreversible, and that will remain the case not only for the sake of Kosovo but also for the sake of sustainable regional peace and security, to which Kosovo's independence has so greatly contributed.

We have also entered into numerous bilateral treaties and agreements with many countries around the world — such as those on investment incentives, law enforcement, cooperation in the field of health, mutual travel of citizens, readmission of persons, economic cooperation, police cooperation, mutual assistance in customs matters, development cooperation, mutual abolition of visas, et cetera — including with Albania, Austria, Denmark, France, Luxembourg, Macedonia, Slovenia, Turkey and the United States. We recently concluded our first treaty-succession agreement, with Belgium.

November and December 2009 saw two events that were very important for Kosovo. One was elections. On the basis of the Constitution of the Republic of Kosovo and consistent with a number of laws that govern the conduct of elections in Kosovo — that is, the law on general elections and the law on municipal elections, both adopted in June 2008 — we held elections for members of assemblies and mayors of 36 municipalities across Kosovo. The Kosovo Central Election Commission was fully charged with the organization and conduct of these elections. The elections were very orderly and peaceful. Participation of non-majority communities in the election was sizable. Out of 74 entities certified to contest the elections, 40 represent various minority communities. Twenty-two were Kosovo Serb political entities. That is clear evidence that, despite Serbia's assertions to the contrary and indeed despite the Serbian Government's pressure and calls for a boycott, Kosovo Serbs are increasingly taking part in institution-building in Kosovo.

The good participation of Kosovo Serbs in these elections was widely welcomed. In a resolution adopted shortly after the elections, the European Parliament welcomed what it called the unprecedented good participation of Kosovo Serbs, and it regarded this as encouraging indication that the Kosovo Serb community is willing to take up its responsibilities in the Kosovo institutions.

We believe that the November elections created new momentum in building up a multi-ethnic Kosovo. In their statements, observer missions also described the 15 November elections as free, fair and democratic. The European Parliament ad hoc delegation welcomed, in its statement, the ongoing decentralization process and what it called a peaceful election day in Kosovo. The European Union presidency's statement "welcomed the orderly conduct of municipal elections" as well as broad participation of different ethnic groups. Very positive reactions to the elections came from the NATO Secretary-General, the European Union Special Representative in Kosovo, ambassadors from various States accredited to Pristina and various national and international non-governmental organizations. And the Special Representative of the Secretary-General also "considered the trend towards more active participation by the Kosovo Serb community as an encouraging step towards longer term reconciliation and integration with the local community".

The turnout of voters in Serb majority municipalities was as high as 54 per cent, in Shtërpce, a municipality in southern Kosovo, whereas in the three new municipalities of Graçanicë, Kllokot and Ranillug, the turnout was around 22 per cent. As a result, today we have four elected Serb mayors from the Independent Liberal Party (SLS) in four municipalities.

The second development I wish to underscore is the oral statements to the International Court of Justice, on 1 to 11 December 2009. The delegation of the Republic of Kosovo, headed by the Minister for Foreign Affairs, addressed the Court on 1 December, offering substantive information for the proceedings. As all statements to the Court are now available to the public, let me just emphasize that the Republic of Kosovo has asked the International Court of Justice if it deems it appropriate to respond to the request for an advisory opinion, in accordance with General Assembly resolution 63/3, finding that the declaration of independence of Kosovo of 17 February 2008 did not contravene any applicable rule of international law. We place full trust in the International Court of Justice.

As I said in my address to the Court, we cannot and should not forget the crimes against humanity and other horrors that the Republic of Serbia inflicted upon the people of Kosovo; such things must never happen again.

Yet we in Kosovo are determined to look towards the future. We are determined to preserve peace and security in Kosovo and in the region. Now it is more certain than ever before that the common future of both Kosovo and Serbia — and indeed, of all Western Balkan countries — lies in eventual membership in the European Union, as contemplated in the European Commission's recent report of October 2009.

We also look forward to the day when we will be able to take our place as a Member of the United Nations. The commitments expressed in our declaration of independence and in our constitution demonstrate our willingness to assume the responsibility of such membership. In line with that, my Government has recently agreed on a draft law to enable Kosovo to implement the Security Council sanctions, and the Parliament of the Republic of Kosovo is expected to adopt that draft law shortly.

The overall security situation in the Republic of Kosovo is calm and stable, although the situation in the north remains an issue of concern. Continued and additional effort is needed to see further improvement of the situation and progress in that part of Kosovo. The institutions and the Government of the Republic of Kosovo have been working and cooperating closely with European Union Rule of Law Mission to combat crime and corruption, as well as to prevent further destructive action of parallel and criminal structures in the north.

Unfortunately, extremely disruptive interference on the part of the Government of the Republic of Serbia in the Republic of Kosovo and support for parallel structures has continued. The recent so-called nomination of prosecutors and judges for the courts in Kosovo by authorities of Serbia was another severe attack on the court system of Kosovo, apparently with a clear aim of undermining the ongoing decentralization process and establishing Serb majority municipalities. It is also an attempt to obstruct and undermine joint efforts of the EULEX and Kosovo

authorities to restore law and order across Kosovo through the establishment of multi-ethnic institutions. The continued destabilizing interference of Serbia in my country is unacceptable, and it must end.

Kosovo, for its part, will continue to seek ways to further strengthen and improve relations with its neighbours, including Serbia. That remains one of my Government's key priorities.

In conclusion, I wish to thank you, Mr. President, and the members of the Council for the opportunity to present the views of Kosovo. We look forward to working with all the members of the Council and, indeed, with all Members of the United Nations as we promote the shared goals of international peace and regional stability and cooperation in the Western Balkans.

The President (*spoke in Chinese*): I thank Mr. Hyseni for his statement.

I now give the floor to members of the Council.

Mr. Takasu (Japan): I thank Special Representative Zannier for his very helpful briefing. I also wish to extend a warm welcome to President Tadić of Serbia and to Foreign Minister Hyseni of Kosovo, and to thank them for their statements.

At the outset I wish to express my appreciation to the Secretary-General and to Mr. Zannier for their leadership role of the United Nations on the ground. The United Nations Interim Administration Mission in Kosovo (UNMIK) and + partner organizations such as the European Union Rule of Law Mission in Kosovo (EULEX), the Kosovo Force (KFOR) and the Organization for Security and Cooperation in Europe (OSCE) are all supporting a multi-ethnic, democratic Kosovo in the Western Balkans region. Japan pays tribute to the contributions of all those organizations.

We are encouraged by Mr. Zannier's report that the situation in Kosovo has generally been developing in a positive direction. We highly value the mediation role that UNMIK has been playing between northern Kosovo and Pristina, and also between Pristina and Belgrade. We have yet to see agreement in the areas of justice, customs and the protection of cultural heritage. We very much hope that the collaboration between UNMIK and the European Union will assist the countries in creating an agreement between Pristina and Belgrade in those areas.

We congratulate EULEX, whose contribution is bearing fruit in the rule of law, security and reconciliation. We welcome the recent increased presence of EULEX in northern Kosovo and the positive role of the European Union in stabilizing Kosovo's entire Western Balkans region.

The municipal and mayoral elections were conducted in a peaceful manner, with the participation of multiple ethnicities. That was a significant step for Kosovo, an effort to consolidate multi-ethnic democracy and a decentralization process. At the same time, we look forward to greater progress on outstanding issues, in particular protection of minorities and the return of internally displaced persons. We hope all parties will intensify their cooperation on those issues.

Japan has supported the efforts of United Nations programmes for peaceful inter-ethnic coexistence and development in Kosovo from a human security perspective. A human-centred approach is particularly relevant in the northern provinces in order to reduce a sense of vulnerability in the population, irrespective of ethnicity.

As part of the follow-up in recent consultations on bilateral support for a capacity-building environment, Japan will start a new programme to invite trainees from Kosovo to Japan. We are committed to supporting Kosovo's development as a vibrant, multi-ethnic and truly democratic country. We are also committed to support the stabilization of the Western Balkans region as a whole. We will do so in close cooperation with international partners, but particularly Serbia and countries in the region.

Mr. Mayr-Harting (Austria): I would first like to welcome the President of Serbia, Mr. Boris Tadić, and the Foreign Minister of Kosovo, Mr. Skender Hyseni, and to thank them for the statements. I also wish to welcome Foreign Minister Vuk Jeremić. Moreover, let me express our deep appreciation for the work and leadership of the Special Representative of the Secretary-General, Mr. Zannier, and the important contribution of the United Nations Interim Administration Mission in Kosovo (UNMIK) to peace and stability in Kosovo. Austria fully supports UNMIK's continuing efforts to facilitate dialogue among all parties in the search for practical solutions, and we are pleased to hear about the intensification in relations between UNMIK and the Kosovo authorities

during the last reporting period, including through the meetings of the Special Representative with President Sejdiu and Prime Minister Thaçi.

The successful organization of municipal and mayoral elections in a relatively calm atmosphere and without major incidents constitutes a significant step forward in the consolidation of a democratic society. We congratulate the Kosovo electoral authorities for having taken ownership of the process and for the assessment that effort has received. Austria would also like to commend the mission in Kosovo of the Organization for Security and Cooperation in Europe (OSCE) for working intensively and in coordination with other international stakeholders in supporting and assisting the Central Election Commission and the Election Complaints and Appeals Subcommission.

We welcome the growing participation by Kosovo Serbs in the newly established municipalities in the centre and the south of Kosovo as an important step for the integration of Kosovo Serbs in the institutional structures of Kosovo. The low level of participation in the elections by Kosovo Serbs in northern Kosovo, on the other hand, is disappointing. We call on Kosovo authorities to increase their efforts to engage the Kosovo Serb population in continuing the process of decentralization.

At the same time, we also believe that increased efforts by all sides are necessary, in particular with a view to the establishment of a fully functioning and multi-ethnic judiciary in northern Mitrovica. Only by renouncing parallel structures can legal certainty for the local population be guaranteed.

A little more than a year after the deployment of the European Union Rule of Law Mission in Kosovo (EULEX), by far the European Union's largest civilian mission, Austria commends the progress achieved in promoting the rule of law. We also appreciate the close collaboration between the international actors in Kosovo.

Austria fully supports the efforts of EULEX to consolidate its presence and to exercise its mandate in northern Kosovo. The continued monitoring of the reintegration of over 300 Kosovo Serb police officers, the prosecution and adjudication of war crimes and organized crime cases and the fight against corruption contribute to strengthening rule of law institutions in the police and justice sector.

On 12 January, EULEX Supreme Court judges completed the last of the 20 trial cases inherited from UNMIK at this level, and the completion of inherited general trial cases at the district court level is expected in March. Moreover, the establishment of the human rights review panel will constitute an important step towards strengthening the accountability of EULEX.

Although violent incidents have not broken off, we are encouraged by the relatively calm security situation and the decrease in tensions between communities. In this context, Austria supports NATO's decision to restructure the Kosovo Force (KFOR) and reduce troop numbers in Kosovo, which will also enhance local responsibility. Austria, which is currently the biggest non-NATO contributor to KFOR, is determined to keep up its strong commitment to the operation. Moreover, Austria will continue to provide up to 30 experts for EULEX.

Austria would also like to highlight the valuable contributions made by the OSCE mission, under Ambassador Almhofer, in supporting the development of democratic institutions as well as in the monitoring, protection and promotion of human rights. As pointed out in the report of the Secretary-General (S/2010/5) and the recently published OSCE report assessing the implementation of communities' rights by Kosovo institutions, more efforts need to be made, inter alia, in the following fields: the protection of cultural rights, the protection of cultural and religious heritage sites, and the creation of improved conditions conducive to the return of internally displaced persons and refugees.

Let me say that I have listened very carefully to President Tadić's comments on the protection of holy sites in Kosovo. The authorities in Belgrade and Pristina know how strongly Austria has been committed and is committed to the protection of religious communities and holy sites in Kosovo. As many know, in the past we were able to facilitate Kosovo legislation on this subject, and members of the delegations of Serbia and Kosovo and UNMIK representatives present at this table today were in fact actively involved in these efforts. It is therefore evident that we support any international involvement that would help to improve the protection of cultural heritage and, more particularly, of the holy sites of the Serbian Orthodox Church in Kosovo, including through increased efforts by the European Union.

We endorse the Secretary-General's call for pragmatism and flexibility on all sides in order to find solutions for outstanding practical issues, such as Kosovo's participation in international forums and mechanisms.

Finally, let me say once again that Austria welcomes Serbia's application for membership in the European Union, made last month. As we have emphasized on many occasions, we clearly see the future of Serbia and all other countries of the western Balkans in the European Union.

Mrs. Viotti (Brazil): We extend a warm welcome to His Excellency Mr. Boris Tadić, President of the Republic of Serbia, and thank him for his statement. I also thank Mr. Skender Hyseni for his remarks. We appreciate the briefing given by the Special Representative of the Secretary-General, Mr. Lamberto Zannier, and commend him for the important role that the United Nations Interim Administration Mission in Kosovo (UNMIK) is playing in Kosovo.

Brazil has a firm and long-standing commitment to the peaceful settlement of disputes. In 1999, Brazil was an elected member of the Security Council and voted in favour of resolution 1244 (1999). It was intended to provide a legal framework for a negotiated solution to the dispute on the status of Kosovo. The need to respect the territorial integrity and sovereignty of the former Federal Republic of Yugoslavia was also expressly recognized. Resolution 1244 (1999) remains in force and therefore continues to be the key parameter guiding the United Nations presence in Kosovo.

That position was expressed by Brazil in the public hearings conducted at the International Court of Justice in December 2009 as part of the proceedings related to the advisory opinion on the unilateral declaration of independence by the Provisional Institutions of Self-Government of Kosovo.

As the Security Council continues to be seized of the matter, the opinion of the Court, coming possibly later this year, will be a crucial element to bear in mind. Until that time, UNMIK should continue to play its constructive role in promoting engagement between Pristina and Belgrade. We expect both parties to cooperate fully with the Mission. Success in this area will benefit all.

As stressed by the Secretary-General, the overall security situation in Kosovo remains relatively calm. This is due to the restraint shown by the parties and the population, which is to be commended. Stability has also been further sustained by the deployment of the European Union Rule of Law Mission in Kosovo. It should continue to operate under the overall authority and within the status-neutral framework of the United Nations, thereby preserving the integrity of resolution 1244 (1999).

Also positive are the signs of a possible improvement in the cooperation between UNMIK and Kosovo authorities. It is, however, worrisome that municipal elections not called for by UNMIK were held in Kosovo on 15 November. Under resolution 1244 (1999), the holding of elections is one the main responsibilities of the international civil presence in Kosovo. In the same vein, by-elections were held by Serbia in the northernmost municipality of Kosovo on 29 November. UNMIK did not participate in the preparation for these elections, which were not called for by the Special Representative of the Secretary-General.

We share the Secretary-General's disappointment at the lack of concrete progress in the implementation of practical arrangements regarding the protection of cultural heritage. Progress on this issue would be relevant as a much-needed gesture of goodwill, which, in turn, could set a positive example to follow in more politically sensitive negotiations.

We note the concern express by President Tadić at possible unilateral action in northern Kosovo.

There is no acceptable alternative to dialogue and negotiation when differences arise. We urge the parties to resume efforts to reach an agreed solution. Meanwhile, it is their duty to ensure that the political and security situation on the ground remains stable and that every minority community is fully protected from threats or acts of intimidation and harassment.

Mr. Issoze-Ngondet (Gabon) (*spoke in French*): At the outset, I would like to warmly welcome the presence of His Excellency Mr. Boris Tadić, President of the Republic of Serbia, a country with which my country has excellent relations. I also welcome Mr. Skender Hyseni and thank him for his kind words on my country's election to the Security Council. I would also like to thank the Special Representative of the Secretary-General, Mr. Lamberto Zannier, for

presenting the Secretary-General's report (S/2010/5) of 5 January 2010 on the United Nations Interim Administration Mission in Kosovo (UNMIK). The report has been submitted to us in accordance with resolution 1244 (1999).

My delegation has very carefully read the Secretary-General's report on the activities carried out in Kosovo by UNMIK and by international organizations working on the ground, as well as on developments in the overall situation in the region. We duly recognize UNMIK's important contribution to promoting cooperation and reconciliation and to maintaining security and stability in the region.

We therefore endorse keeping UNMIK in Kosovo until the issue is resolved peacefully through dialogue and negotiation. My delegation supports the Secretary-General's six-point plan for Kosovo because we believe that its constructive approach will be invaluable to both parties. We also welcome the involvement of the European Union in this process through its Rule of Law Mission in Kosovo, NATO, the Organization for Security and Cooperation in Europe and the Kosovo Force.

As to Kosovo's status, Gabon values respect for international rules in any process leading to self-determination and therefore rejects any unilateral declaration of independence. In that respect, my country eagerly awaits the advisory opinion of the International Court of Justice requested by the General Assembly in its resolution 63/3 on whether the unilateral declaration of independence of Kosovo is in accordance with international law.

Mr. Araud (France) (*spoke in French*): I thank Mr. Boris Tadić, President of the Republic of Serbia, and Mr. Skender Hyseni, Minister for Foreign Affairs of the Republic of Kosovo, for their presence and their statements. I welcome the actions of Special Representative of the Secretary-General Lamberto Zannier, who has effectively and pragmatically implemented the reconfiguration of the international presence decided by the Secretary-General with the support of the Security Council.

In his most recent report (S/2010/5), the Secretary-General notes the progress made in recent months in Kosovo, and in particular the decrease in acts of violence. Nearly two years since the Republic of Kosovo declared independence, the situation there today is encouraging. Tensions have been defused and all parties understand that the inhabitants of Kosovo, regardless of what communities they belong to, want above all to live in peace and their children to have a future that is prosperous as possible. That is their main and perfectly natural concern.

I welcome the engagement of the European Union, whose Rule of Law Mission (EULEX) is doing outstanding work to consolidate Kosovo's institutions and to ensure the full implementation of their commitments to the rule of law. As the European Mission is consolidated, it would seem desirable to pursue the drawdown of the United Nations Interim Administration Mission in Kosovo in response to the presence and actions of EULEX.

EULEX is working to the benefit of the entire population and all communities of Kosovo. In that respect, we welcome the Mission's technical cooperation with the authorities of Kosovo's neighbours, including police cooperation with Serbia. We count on the Republic of Serbia to pursue its cooperation with EULEX and, in particular, to allow justice to prevail in northern Kosovo.

France invites Serb and Kosovo authorities to live up to the great expectations of their citizens by devoting their energies and abilities to the real problems of economic development, infrastructure, dialogue and peace. We are convinced that Serbia will maintain its responsible attitude and adopt a constructive position vis-à-vis Kosovo. In that regard, France welcomes a new factor that has arisen since our last meeting on this issue. Serbia submitted its candidacy for membership of the European Union on 22 December, confirming a strategic orientation that we welcome and that it will have to translate into deeds.

For its part, Kosovo must focus on its central priorities and continue to move ahead in its commitment to the rule of law, good governance and human rights. Decentralization is an essential priority of Kosovo and a key to its success in creating a multi-ethnic society. To that end, we believe that the local elections of last November, organized by the Kosovar authorities, illustrate the encouraging progress that has been achieved. No one can object to such a democratic exercise.

Differences will long persist between Serbia and Kosovo. The essential thing is for both countries to share the same concern to maintain regional stability,

which will require restraint so as not to fuel passions at a time when the people aspire to peace. The contrast between the impassioned rhetoric of some and the calm of the voters is testimony to that. The European Union will maintain its commitment to ensuring a stable and prosperous future for the entire West Balkans and to offering a common future to the Serbs, the Kosovars and the entire region.

Mr. Apakan (Turkey): Allow me to extend a warm welcome to the President of Serbia, Mr. Boris Tadić; the Minister for Foreign Affairs of Serbia, Mr. Jeremić; and the Minister of Foreign Affairs of Kosovo, Mr. Skender Hyseni. We are happy to see them with us today.

I would also like to thank the Secretary-General for his report (S/2010/5) and Mr. Zannier for his informative briefing and his leadership of the United Nations Interim Administration Mission in Kosovo (UNMIK). Let me emphasize once again that we commend the work of UNMIK. We are confident that, in its reconfigured phase, UNMIK will continue to provide valuable assistance.

We also welcome and support the expansion in the role and functions of the European Union Rule of Law Mission in Kosovo (EULEX). We remain committed to continuing our contributions both to EULEX and to the Kosovo Force (KFOR) in accordance with the needs and requirements on the ground. We are pleased to see that the positive relationship between UNMIK and EULEX is further strengthening. More effective cooperation and coordination between the two and also with KFOR will consolidate their efforts to achieve the desired ends, while at the same time enabling each mission to concentrate on its respective mandate.

The Secretary-General's report shows that Kosovo has made considerable progress in a number of areas, such as decentralization and the rule of law, and that it is taking steps to make further progress in others, such as returns and cultural and religious heritage, where certain problems seem to persist. We call on all relevant sides to do their best to achieve satisfactory results. It is also encouraging to note that both Belgrade and Pristina are pragmatically cooperating in resolving the outstanding issues as regards some practical arrangements. We hope that the sides will make further efforts to reach agreements.

We are also pleased that the Kosovo authorities have been carrying out their commitments to solidifying their democratic institutions and capabilities. In this connection and also with a view to decentralization endeavours, the municipal elections held on 15 November were an important milestone. Therefore, we welcome the fact that the elections took place in a calm and peaceful environment and in accordance with international standards.

It is encouraging that there was greater participation by Kosovo Serbs in the elections as compared to 2004 and 2007, and particularly that the mayors elected in some of the newly formed municipalities were Kosovo Serbs. It is important that all the communities of Kosovo actively exercise their democratic rights and fulfil their duties to ensure their effective and legitimate representation in State and municipal structures. In this vein, the fact that the Serb participation was very low in the northern part of Kosovo and that the overall situation there remains fragile is a cause for concern. We should all proceed from the understanding that the future of the Serbs in the north is tied to that of Kosovo, and refrain from actions that will cause unnecessary burdens in their lives.

Next month it will be two years since Kosovo declared independence. We recognized Kosovo because we believe that the situation was no longer sustainable and that Kosovo's independence would ultimately contribute to lasting peace, stability and prosperity of the region. The fact that Kosovo has been recognized by 65 countries has, we believe, contributed to regional peace and stability.

Indeed, since Kosovo declared independence the situation in the region has been largely calm and peaceful, allowing all parties involved to concentrate on important issues on their agendas, to the benefit of all their peoples and communities. Kosovo has joined the World Bank and the International Monetary Fund and has shown its determination to become a full-fledged and responsible member of the international community. Kosovo's participation, particularly in regional cooperation mechanisms, is important. We therefore agree with the Secretary-General's observation that by putting aside status considerations, Belgrade and Pristina show flexibility in order to enable Kosovo's representation in regional and international mechanisms and forums that are essential

to the economic and democratic development and long-term stability of the region.

At the same time, a democratic and prosperous Serbia is vital in the Balkans. The international community should continue to encourage and support Serbia in its efforts to integrate with European and Euro-Atlantic structures. In that vein, we welcome and support the developing relations between Serbia and the European Union. For our part, Turkey is pleased to enjoy close and cooperative relations with Serbia, and we are determined to take them even further, to the benefit of both of our countries and that of the entire region.

Sir Mark Lyall Grant (United Kingdom): I would like to join Security Council colleagues in welcoming the President of Serbia, Mr. Boris Tadić, and the Foreign Minister of Kosovo, Mr. Skender Hyseni, to the Council Chamber today, together with the Secretary-General's Special Representative, Mr. Lamberto Zannier. I would like to express our thanks to the Secretary-General for his comprehensive report on recent developments in Kosovo (S/2010/5) and to commend the important work of the United Nations Interim Administration Mission in Kosovo (UNMIK) in promoting stability and reconciliation in Kosovo. I would also like to thank Mr. Zannier personally for his continued leadership and hard work.

The Secretary-General's latest report illustrates that despite continuing challenges, important progress is being made in Kosovo. We particularly welcome the fact that in the Secretary-General's assessment, violence against minorities and inter-ethnic conflict have decreased throughout the reporting period. Kosovo's recently agreed border demarcation with Macedonia bodes well for regional relations and stability.

We welcome the continued cooperation that exists between the United Nations and the European Union (EU) on Kosovo. This period has seen the EU successfully consolidate its role as the principal international organization supporting the development of the rule of law and governance standards in Kosovo. Kosovo's future, like that of the wider region, lies in closer European integration.

We welcome the improved relations between UNMIK and the Kosovo Government. That cooperation benefits all Kosovo's citizens and is not connected to the issue of Kosovo's status. Nevertheless, it is important to keep UNMIK's resources under close review and ensure that they are commensurate with the size of its responsibilities.

The success of November's local elections across Kosovo's communities has demonstrated the importance of decentralization to the people of Kosovo, a desire to take more direct control of their future. We commend the Kosovo Government for its commitment to decentralization, which is essential to delivering effective local governance and a more stable, multi-ethnic society.

We call on the Kosovo Government and local authorities to take the necessary steps to further deliver minority rights throughout Kosovo, particularly in those municipalities that have still to hold elections. Kosovo Serbs, and their friends in the international community, should recognize the practical benefits of decentralization, in particular the local representation, which brings funding and facilities for the benefit of all communities.

To consolidate recent progress, Kosovo must now work to improve standards in governance and the rule of law. Serious challenges in the areas of human rights and judicial independence — which were highlighted in both the latest Secretary-General's report and the European Commission progress report — must be addressed. Kosovo's European perspective, in line with that of its neighbours, offers clear incentives for further reform. Kosovo, with the support of the international community, must strive to match the progress towards European integration being made by its neighbours. That is the key to regional stability.

Equally, we welcome Serbia's application for European Union membership. We encourage Serbia to devote its full resources to making progress along that path. Continued disagreement over status issues will only serve as a distraction from achieving that important strategic objective.

We strongly support the Secretary-General's call for both Kosovo and Serbia to put status issues aside and pursue greater practical cooperation, to the benefit of all communities, on a wide range of issues such as cultural heritage, energy, customs and justice. Constructive cooperation with the European Union Rule of Law Mission in Kosovo (EULEX) forms an essential part of that. For example, there has been unwelcome politicization of the electricity supply in Kosovo, particularly in the north. Citizens should pay a

fair price for their electricity, and the money should go to whoever supplies it. There is no need for any politics in that.

A growing number of United Nations Member States — now 65 — have recognized Kosovo. That demonstrates growing international confidence in Kosovo's statehood. Kosovo has made irreversible progress since its declaration of independence, becoming a viable independent State with broad EU support for European integration. It will be important that, following the International Court of Justice's advisory opinion, Kosovo and Serbia focus on making progress towards reconciliation and regional stability. We urge all sides to take practical steps towards further cooperation and to engage flexibly and constructively to the benefit of the citizens of the whole territory of Kosovo.

The United Kingdom remains committed to working with Kosovo, Serbia and the wider international community in promoting stability, reconciliation, regional cooperation and economic progress, so that Kosovo can advance towards an EU perspective in parallel with its neighbours.

Mr. Barbalić (Bosnia and Herzegovina): On behalf of the delegation of Bosnia and Herzegovina, I would like to express our appreciation to the Secretary-General for his comprehensive report (S/2010/5) on the United Nations Interim Administration Mission in Kosovo (UNMIK). I would also like to thank Mr. Lamberto Zannier, Special Representative of the Secretary-General for Kosovo, for introducing the report. We welcome the participation in today's meeting of the President of Serbia, Mr. Boris Tadić, as well as Mr. Skender Hyseni.

We note with appreciation that UNMIK, operating within the framework of Security Council resolution 1244 (1999), is successfully continuing the implementation of its strategic goal: the promotion of security, stability and respect for human rights in Kosovo. We particularly welcome and commend UNMIK's efforts to encourage the process of reconciliation and to facilitate dialogue and regional cooperation, as well as its focus on mediation between the communities and its support for minority communities.

In that context, we are of the view that efforts to encourage inter-community dialogue and confidence-building among the parties are of particular importance in the area of returns. As stated by the Secretary-General in his report, the number of returns remains very low. While underlining the importance of returns, we would like to encourage the increased number of go-and-see visits, which would give the opportunity to displaced persons to visit their properties and to make first-hand assessments of conditions in the receiving community.

Furthermore, during the reporting period, UNMIK's role in assisting the activities of the Reconstruction Implementation Commission, in close coordination with the Council of Europe and the European Commission, has been significant. The aim of those efforts is to ensure the participation of the key stakeholders in the process of reconstructing cultural and religious heritage sites in Kosovo. Bosnia and Herzegovina acknowledges those efforts, aimed at the reconstruction and protection of cultural heritage. We have also taken note that, at the municipal and mayoral elections held during the reporting period, voting took place without major incidents, as stated by the Secretary-General in his report.

Bosnia and Herzegovina believes that strengthening the rule of law in Kosovo is of great importance. In that context, we note that the positive relationship between UNMIK and the European Union Rule of Law Mission in Kosovo (EULEX), operating within the status-neutral framework of the United Nations, continued to be strengthened during the reporting period, as stated by the Secretary-General in his report. We also support the existing practice of cooperation and coordination among UNMIK, EULEX, the Organization for Security and Cooperation in Europe and NATO, the latter present through the troops of the Kosovo Force, and we hope that that practice will continue.

In conclusion, Bosnia and Herzegovina would like to reiterate that stability and security in Kosovo are significant to achieving lasting peace and prosperity in our region. The international community should continue to play an important role in supporting the aspirations of the countries of the region to integration into European and Euro-Atlantic structures. At the same time, we believe that the countries of the region should continue to cooperate with the international community in order to reach those goals. Finally, fostering good relations and cooperation with the neighbouring countries is of the utmost importance for Bosnia and Herzegovina.

Mr. Heller (Mexico) (*spoke in Spanish*): First, I would like to welcome Mr. Boris Tadić, President of the Republic of Serbia, and to thank him for his words. I would also like to thank Mr. Lamberto Zannier, Special Representative of the Secretary-General for Kosovo, for his briefing and Mr. Hyseni for his statement.

Mexico has closely followed the process of reconfiguring the mandate of the United Nations Interim Administration Mission in Kosovo (UNMIK) to circumstances on the ground, and we welcome the fact that coordination and information exchange with the European Union Rule of Law Mission in Kosovo (EULEX) have been strengthened in the context of neutrality, as provided for by resolution 1244 (1999). We are also pleased that relations between UNMIK and the parties have improved in recent months, with positive repercussions for cooperation and the resolution of matters of mutual interest.

In accordance with international humanitarian law, human rights and refugee law, the parties are obliged to create conditions conducive to the safe, voluntary and non-discriminatory return of the displaced and to the adoption of measures to facilitate that return. My delegation is concerned about the lack of conditions favourable to the return of the displaced and refugees to their homes. Although the security situation in Kosovo has remained stable, factors such as discrimination, inter-ethnic tensions and the lack of development opportunities are among the greatest impediments to ensuring a sustainable return in the region.

Despite the slight increase in the number of people voluntarily deciding to return to their communities of origin, it is clear that much remains to be done in that area. In that regard, we encourage UNMIK, together with the United Nations Development Programme and the Office of the United Nations High Commissioner for Refugees, to continue to support the local authorities in promoting community development programmes aimed at housing reconstruction, job creation, access to services and security, and at defining strategies to foster dialogue and reconciliation among the various communities. Further, we encourage the parties to establish, under UNMIK coordination, a mechanism to protect cultural heritage, and to adopt the measures necessary to stop the attacks on historical sites important to preserving the cultural heritage of the peoples of the region.

Strengthening the rule of law continues to require priority attention. We encourage UNMIK and EULEX to spare no effort in building up the capacities of local authorities to provide access to justice, fight impunity and promote respect for human rights. We see the campaign to promote the Anti-Discrimination Law in Kosovo as very timely, and we welcome the decision to strengthen UNMIK's work in the area of human rights with the establishment of the Human Rights Advisory Panel.

Regarding the issue of Kosovo's unilateral declaration of independence and whether it is in accordance with international law, Mexico wishes to reiterate its position that the matter has been referred for consideration to the International Court of Justice, the highest judicial organ for resolving disputes arising from the interpretation of international law, and that, until the Court decides, the principle of respect for the sovereignty and territorial integrity incumbent of all Member States under the United Nations Charter remains fully in force in this case.

Historically, Mexico has resolutely and consistently supported the principles of justice and international law enshrined in the United Nations Charter and the work of the International Court of Justice. In that regard, we have been informed by the Court that, on 11 December 2009, that organ concluded the public hearings on the General Assembly's request for an advisory opinion on the legality of the unilateral declaration of independence of Kosovo (see resolution 63/3) and that it was ready to begin its deliberations. We eagerly await and will respect the Court's decision.

Mr. Mugoya (Uganda): I wish to start by welcoming His Excellency Mr. Boris Tadić, President of the Republic of Serbia, and to thank him for his statement. I thank the Special Representative of the Secretary-General and head of the United Nations Interim Administration Mission in Kosovo (UNMIK), Mr. Lamberto Zannier, for his briefing on the situation in Kosovo. I also thank Mr. Skender Hyseni for his statement.

We welcome UNMIK's continued efforts in the promotion of security and stability in Kosovo and the region. We commend the Mission for its work in supporting minority communities, encouraging reconciliation and facilitating dialogue and regional cooperation. We call upon UNMIK to focus more on promoting security and stability in Kosovo and in the

Balkans by facilitating practical cooperation among communities, as well as between the authorities in Pristina and Belgrade.

My delegation is encouraged that the overall security situation in Kosovo during the reporting period remained relatively calm. Nevertheless, it is potentially fragile, as evidenced by inter-ethnic incidents of violence in the suburbs of northern Mitrovica, including attacks on convoys of the European Union Rule of Law Mission in Kosovo (EULEX) and the vandalizing of UNMIK vehicles. We call on all parties to exercise restraint, mutual respect and tolerance in order to harmoniously live together in the interest of peace.

We commend the cooperation between UNMIK and the European Union Rule of Law Mission in Kosovo regarding exchange of information and coordinating on issues of mutual concern, and we call for strengthening cooperation in all sectors. We are pleased to note that EULEX is continuing to operate under the overall authority of the United Nations and within the status-neutral framework of resolution 1244 (1999). We also welcome the complementary role played by Kosovo Force troops in maintaining an overall safe environment around the cultural heritage sites.

We salute the efforts of UNMIK, in coordination with EULEX and KFOR, to continue to encourage both sides to find a sustainable and peaceful solution. We also commend UNMIK's coordination and cooperation with the relevant international actors and its efforts in engaging with community leaders to address critical social services needs, especially in the camps for internally displaced persons.

Given the importance of regional cooperation for development and stability, it is crucial that UNMIK continues to facilitate Kosovo's engagement in international and regional forums, as entailed in resolution 1244 (1999). Once again, we commend Special Representative of the Secretary-General Zannier and UNMIK staff for their dedicated service.

Mrs. Ogwu (Nigeria): I thank you, Mr. President, for initiating this important meeting. I want to lend my voice to those who have expressed a very warm welcome to His Excellency Mr. Boris Tadić, President of the Republic of Serbia, and His Excellency Mr. Skender Hyseni, Minister for Foreign Affairs of Kosovo. I thank them for sharing their perspectives with us. I also thank the Special Representative of the Secretary-General, Mr. Lamberto Zannier, for his statement in the context of the Secretary-General's report on the situation in Kosovo (S/2010/5).

Nigeria welcomes the report and appreciates the progress made in Kosovo during the reporting period. In particular, we note that the security situation in the territory remains calm and, although there are still pockets of attack, incidents against minorities have decreased. We also note the efforts to adhere to democratic standards during the mayoral and municipal elections in Kosovo.

We appreciate the relationship between the United Nations Interim Administration Mission in Kosovo (UNMIK) and the Kosovo authorities and the growing engagement between UNMIK and Belgrade. We also appreciate the positive relationship between UNMIK and the European Union Rule of Law Mission in Kosovo (EULEX), operating within the status-neutral framework of the United Nations. UNMIK's consistent and assiduous efforts to foster cordial relations with all the major players within the region is worthy of encouragement and support.

In spite of those achievements, we share the Secretary-General's concern about the lack of progress in implementing practical arrangements in the difficult areas of justice, peace, customs and cultural heritage. We urge intensified engagements on those issues by all parties, in particular on discussions that would lead to a mechanism for an enduring cultural agreement. The Secretary-General's proposal to appoint a facilitator to move that agenda forward merits further exploration.

We welcome the positive development on the return of Kosovo Albanians to the northern part of Mitrovica and the constructive engagement between the UNMIK administration and the Mitrovica municipality to address pending issues. We urge UNMIK to continue its outreach activities in that regard.

Although Kosovo remains calm, the situation is still fragile. There are still reports of isolated attacks against minorities. The measures in place to address that concern should be sustained and strengthened. We implore Kosovo Serbs and Kosovo Albanians to eschew violence in the northern communities, just as we condemn violence against UNMIK and EULEX personnel and resources.

We want to commend UNMIK for the priorities it has identified and pursued. We appreciate the efforts of the Special Representative and his team to promote security, stability and respect for human rights in Kosovo and in the entire region. UNMIK's unrelenting engagements with the parties should be directed at reaching agreement in the rather difficult areas of justice, peace and cultural heritage.

Nigeria believes that dialogue should be optimally utilized at all times. We support all of the peace efforts aimed at reaching a comprehensive settlement of the issues in the region and call on all parties to forge a united front through flexibility and compromise to resolve the contending issues.

Ms. DiCarlo (United States of America): Let me begin by welcoming President Tadić of Serbia and Foreign Minister Hyseni of Kosovo to the Council today and thanking them for their comments. I would also like to welcome Special Representative Zannier and thank him for his briefing and his service in Kosovo.

It has been nearly two years since Kosovo became an independent country. Kosovo has already made tremendous progress in solidifying its democracy, promoting reconciliation and playing a constructive role in regional and international economic cooperation. As others have noted, 65 countries have now recognized Kosovo as a sovereign and independent State. We commend the people of Kosovo for the commitment they have demonstrated and the concrete actions they have taken to implement the Ahtisaari Plan and to play a responsible role as a regional neighbour and member of the international community.

Special Representative Zannier and the United Nations Interim Administration Mission in Kosovo (UNMIK) have made valuable contributions to Kosovo's progress, as have the European Union, the Organization for Security and Cooperation in Europe (OSCE) and NATO.

Today, I would like to make five points.

First, the United States congratulates Kosovo on holding elections in 36 municipalities, including one expanded Serb-majority municipality and three newly created ones. We look forward to the elections expected to occur in the remaining two new Serb municipalities later this year. As the Secretary-General noted in his report, the November elections and the December run-offs adhered to democratic standards and were held in a peaceful atmosphere. The Government of Kosovo undertook important outreach efforts to ensure Kosovo Serb participation, which contributed to the success of the elections.

Secondly, Kosovo continues to take significant steps to strengthen regional relations. In October, Kosovo and Macedonia completed demarcating their shared border and established full diplomatic relations. In January, the visit of Croatian President Mesić highlighted the growing friendship and cooperation among Kosovo and its neighbours. Further, the Kosovo security force recently deployed units to Albania to provide humanitarian assistance to flooded regions there, and on 14 January Montenegro announced that it too will establish formal diplomatic relations with Kosovo.

Kosovo has demonstrated that it is ready and able to play a constructive regional role. We reiterate the Secretary-General's call for flexibility in defining a modus operandi that will facilitate Kosovo's full participation in regional and international mechanisms, such as the Regional Cooperation Council and the Central European Free Trade Agreement (CEFTA). Kosovo's contribution to those groups and its ability to export goods to all CEFTA members under CEFTA rules are important to regional stability and growth.

Thirdly, we would like to echo the Secretary-General's call to redouble efforts on returns and to safely increase both their number and their pace. To that end, we urge the reopening of the Kosovo Property Agency offices in Serbia without further delay. Belgrade's acceptance of the offer of the Office of the United Nations High Commissioner for Refugees to facilitate re-establishing that presence would promote further progress on returns and help resolve related property claims.

Fourthly, let me say a few words on the questions of religious and cultural heritage. The United States welcomes UNMIK's efforts to facilitate the work of the Reconstruction Implementation Commission. We are also pleased to note that the Kosovo Energy Corporation and Serbian Orthodox Church officials in Kosovo were able to reach agreement on reconnecting Serbian monasteries and churches in Kosovo to the Kosovo Energy Corporation's electrical grid. But we still need a mechanism to address significant remaining

concerns, such as vandalism and access to cultural sites. For that reason, the United States has supported the appointment of a European Union facilitator to advance discussions on issues of religious and cultural heritage.

Finally, I would like to address the issue of northern Kosovo. Illegal parallel institutions, some of which were established in 1999, continue to threaten stability and the rule of law in Kosovo. We commend the European Union Rule of Law Mission in Kosovo for the progress it has made towards integrating the Kosovo Police. We hope to see similar progress in Kosovo's courts, as envisaged in the Secretary-General's November 2008 report (S/2008/692). So far, that has not been possible due to the Government of Serbia's continued opposition. We urge Serbia to look at the example of reconciliation taking place in other parts of Kosovo, to the clear benefit of Kosovo Serbs.

I would also like to say a few words about the provision of the basic service of electricity, to which the Special Representative referred to today. UNMIK regulations established an electrical regulatory office in Kosovo, which in turn gave the Kosovo Energy Corporation the sole license to distribute and bill for electricity throughout Kosovo. Attempts by the Electric Power Industry of Serbia to take control of power distribution in northern Kosovo undermine that exclusive authority, harm ordinary citizens' well-being, and risk confrontation and division within Kosovo. We urge those involved to act swiftly to resolve differences and to respect the legal framework for providing electricity in Kosovo, including the North.

Kosovo's independence is irreversible. Kosovo continues to make its way along the path towards European and Euro-Atlantic integration. The United States will continue to support Kosovo as it makes continued progress and strengthens its democracy, and we will continue to support the aspirations of all the States of South-East Europe for integration into Europe and the Euro-Atlantic community.

Mr. Shcherbak (Russian Federation) (*spoke in Russian*): The Russian delegation welcomes the participation at today's Council meeting of Mr. Boris Tadić, President of the Republic of Serbia. We are grateful for his assessments, which we share. We also thank Mr. Lamberto Zannier, Special Representative of the Secretary-General for Kosovo, for his introduction of the report of the Secretary-General (S/2010/5) on the United Nations Interim Administration Mission in Kosovo (UNMIK), which our delegation has carefully analysed.

The position of the Russian Federation on Kosovo remains consistent. We are convinced that resolution 1244 (1999) remains in full force and is binding upon all as the international legal basis for a settlement in Kosovo. The Russian Federation fully supports the work of UNMIK in discharging its mandate and the provisions of the November 2008 report of the Secretary-General (S/2008/692). That document sets forth the hierarchy of the United Nations Mission vis-à-vis other international presences in the district. As a result, no one is entitled to prevent UNMIK from doing its job, including with regard to issues pertaining to ensuring the rights and security of national minorities and achieving the democratic standards for the province established by the international community. It is on those same foundations that the mutual relations between UNMIK and the European Union Rule of Law Mission (EULEX) in Kosovo must be built, as both presences must be status-neutral in nature.

The Security Council and UNMIK are irreplaceable in ensuring international oversight of the situation in the district, including in terms of security, which continues to be very fragile. Further destabilization of an already fragile situation in the province is capable of exacerbating internal clashes in the Kosovo Albanian community, as we saw recently with the growth of party ambitions. We believe that international presences must be vigilant in preventing the development of a negative scenario.

We agree with the alarming assessment of Serbian President Tadić with regard to the plans contained in the so-called final decision for northern Kosovo. We believe that, in today's difficult circumstances, we must firmly avert any attempt to advance all ill-conceived concepts for Kosovo that might provoke a rise in tension, blatantly contravene resolution 1244 (1999) and lead directly to a destabilization of the situation.

We call on UNMIK to carry out its responsibilities with regard to Kosovo's external representation in regional and international mechanisms and forums. There should be no changes or more flexible approaches in that regard. The modus

operandi has not changed, resolution 1244 (1999) remains in effect.

We see no particular improvement in the dialogue between UNMIK and Pristina, to which the report of the Secretary-General refers. Protocol meetings between Pristina leaders and the leadership of UNMIK should deceive no one. Pristina continues to ignore the United Nations Mission and to hinder its interaction with Belgrade.

We are carefully following the situation in the province in the fundamental area of inter-ethnic relations, which continue to be at an impasse. It is clear that progress in overcoming the deep divisions between the Serbian and Albanian communities has been insignificant. In that context, we would draw the Council's attention to the fact that the majority of Serbs in the district were once again ignored in the municipal elections conducted by Kosovo Albanian authorities on 15 November and 13 December 2009. The higher voter turnout in the southern areas of Kosovo is proof less of their recognition of the Kosovo Albanian authorities than of their despair under increasing isolation. Moreover, we cannot but be alarmed by reports of the many irregularities during the voting, as recognized in the Secretary-General's report on UNMIK.

We must also refer to what we view as the paltry effectiveness of the dialogue between Belgrade and the international civilian presences on the six technical points, which are important for ensuring acceptable conditions for the viability of Serbs in the district.

The very important issue of the return of Serb refugee is still at an impasse, as is the question of the property of Serbian refugees in Kosovo. As we have seen from experience, without that the return of refugees will be impossible.

Unfortunately, there has been no progress in other areas as well. The only discernable achievement in this respect was the signing in September 2009 of a protocol on police cooperation between Belgrade and EULEX, which included a reference to resolution 1244 (1999). Incidentally, as we understand it, that was beyond the scope of the six-point talks.

We remain concerned about the unsatisfactory state of affairs in the important area as the protection of Serbian religious and cultural heritage. The report of the Secretary-General refers to many instances of vandalism against Serbian shrines. We expect UNMIK to achieve real progress in ensuring reliable ways of protecting Serbian cultural heritage in Kosovo. We believe that credible preconditions for the planned cessation of continuous patrols by the Kosovo Force at Serbian religious sites, along with a transfer of functions to the predominantly Albanian Kosovo Police, have not yet been established.

Our position on the unilateral declaration of independence on Kosovo is well known. Russia reiterates its willingness to pursue political efforts to ensure that the issue of Kosovo is addressed in a legally correct and fair manner, in accordance with resolution 1244 (1999). To that end, we have participated actively in the International Court of Justice's consideration of the declaration's conformity with international law.

Mr. Salam (Lebanon) (*spoke in Arabic*): At the outset, I welcome the presence of His Excellency Mr. Boris Tadić, President of the Republic of Serbia. I thank him and Mr. Skender Hyseni for their statements. I should likewise like to thank Mr. Lamberto Zannier, Special Representative of the Secretary-General for Kosovo, for his comprehensive briefing. I shall now proceed to make the following four comments.

First, my delegation welcomes the relative improvement in the security situation in Kosovo. As the Secretary-General notes in his report (S/2010/5), there has been a decrease over the past year in the number of incidents involving minorities. Another positive development has been the return to duty by Kosovo Serb police officers. However, the fragile security situation in northern Kosovo remains a cause for concern. We therefore urge all parties to protect ethnic minorities, exercise restraint and avoid any measures that might threaten stability and peaceful coexistence there.

Secondly, with respect to the missions stationed in Kosovo, we commend the efforts of the United Nations Interim Administration Mission in Kosovo (UNMIK) in maintaining security and stability, facilitating dialogue and reconciliation and promoting regional cooperation. We are also reassured by the improved relations between UNMIK and the Kosovo authorities. We therefore urge the Kosovo authorities to continue coordinating and cooperating with the United Nations Mission in a constructive and realistic way.

On the other hand, we commend the close cooperation between the United Nations with both the European Union Rule of Law Mission in Kosovo and the Kosovo Force within the status-neutral framework, as stipulated in resolution 1244 (1999). We urge all international partners to pursue coordination and information exchange with UNMIK in areas of common interest.

Thirdly, with respect to the elections, we praise the quiet and organized atmosphere in which the municipal elections took place. We are also pleased that the current Government will not prosecute those Kosovo Serbs who chose to participate in these elections.

Fourthly, with respect to cooperation on humanitarian, cultural and development issues, and although we understand the differing viewpoints between the parties regarding the status of Kosovo, while awaiting the advisory opinion of the International Court of Justice in this context we call on all parties to set aside their differences and to cooperate with each other on humanitarian and development issues in order to improve the lives of all Kosovars, regardless of their affiliations.

On the one hand, there is the urgent humanitarian issue of refugees and displaced persons. The Kosovo authorities should create conditions conducive to their safe and voluntary return, since the number of returnees has been minimal. From this perspective, it is essential not to politicize the return of refugees, but to address their security and development concerns. We also call on local authorities to take measures to improve the situation in internally displaced persons camps, especially those located in areas contaminated with lead, and to address health risks in cooperation with the United Nations and the relevant humanitarian organizations.

On the other hand, regarding the cultural heritage issue, there is a genuine opportunity for both Belgrade and Pristina to cooperate in developing a special mechanism on cultural heritage that brings mutual benefits to and builds trust between both parties. We share the Secretary-General's disappointment with the failure thus far to establish such a mechanism, and we urge both concerned parties to show openness and constructive practicality in seeking a solution to this issue.

Finally, we encourage Belgrade and Pristina to resume direct and constructive dialogue in order to avoid creating a climate of tension and confrontation. We believe it crucial for all parties to reach a peaceful solution to this issue, in view of its potential positive impact on security and stability in the West Balkans.

The President (*spoke in Chinese*): I shall now make a statement in my capacity as the representative of China.

China respects the sovereignty and territorial integrity of Serbia. We hope that the Government of Serbia and the Kosovo authorities will find a solution acceptable to both sides through dialogue and negotiation. The United Nations Interim Administration Mission in Kosovo should continue to carry out its mandate prudently under resolution 1244 (1999), in line with the changes on the ground in Kosovo.

We hope that the Special Representative of the Secretary-General will continue to play an active role in seeking an appropriate solution to the issue of Kosovo, including by enhancing communications with the parties concerned, and in particular in helping push forward the dialogue between Serbia and Kosovo.

We welcome the efforts of the European Union Rule of Law Mission in Kosovo as it continues to undertake its tasks under the overall authority of the United Nations and within the status-neutral framework set out in resolution 1244 (1999), so as to play its due role in maintaining peace and stability in this region.

I now resume my functions as President of the Council.

President Tadić has asked for the floor. I now give him the floor.

President Tadić: Let me begin by repeating that Serbia's central strategic priority is a peaceful, negotiated solution to the future status of Kosovo. In that respect, Serbia is committed to becoming a member of the European Union and to seeing the whole region integrated into the European Union in the future. Serbia is a constructive and reliable partner in that respect. We have submitted our candidacy and confirmed our European vision, and I want to thank all the countries that acknowledged this important development in this forum.

I also want to thank the 127 States that respect the basic principles of the United Nations Charter and Serbian sovereignty and territorial integrity by not recognizing the unilateral declaration of independence of Kosovo.

It is deeply disappointing and incredibly shocking that Mr. Hyseni has made the claim, even today, that new talks on status and negotiating could "provoke a new conflict". That reflects a very strange understanding of dialogue and negotiations. In my view, it is a direct threat. It is truly outrageous and shows the truly destabilizing consequences of the unilateral declaration of independence.

We have all suffered because of the bad policies and terrible visions of our leaders in the Balkans in the 1990s. We have all suffered together. We have had so many human victims in the region, on all sides. I am very sorry because of that. Everyone who uses such argumentation is destabilizing the region once again.

Allow me to say a few things about the elections that happened in Kosovo and about crystal-clear figures. In the first round of these elections, 6,022 Serbs voted, according to a United Nations report, and more than 100,000 Serbs live in Kosovo today. Thus, at the very most, 6 per cent of Kosovo Serbs voted. There were 23,000 international observers — four times as many observers as Serb voters.

Regarding the electricity problem in the northern part of Kosovo, Electric Power Industry of Serbia has provided electricity for the ordinary people living there only because Kosovo Energy Corporation cut off the supply of power to northern Kosovo, and only after that. By providing electricity for ordinary people, we have averted a humanitarian catastrophe affecting up to 100,000 residents. What happened with respect to the electricity supply in Kosovo is crystal clear. I hope that it will be possible to find a practical solution and to depoliticize this issue, and I totally agree that the money should go to whoever supplies the electricity, as noted by the representative of the United Kingdom representative in this forum.

I would also like to respond to some of the other comments made this afternoon. I want to acknowledge the statement made by the representative of our neighbour country Bosnia and Herzegovina. Being a responsible member of the international community, Serbia will continue to fully support the sovereignty and territorial integrity of Bosnia and Herzegovina and will strongly oppose any attempt to partition that or any other State Member of the United Nations. We will also keep encouraging all three constituent peoples to agree on necessary reforms with the aim of accelerating Bosnia's accession to the European Union, which is a strategic priority for all.

We have made it clear that we will support whatever arrangement is acceptable to the parties, stressing the need for pragmatism and compromise. Completing the reconciliation process is an imperative, not only in Bosnia but everywhere in the region. The forthcoming resolution on Srebrenica, to be introduced in Serbia's National Assembly, is intended to contribute to this process and to enhance regional peace and stability. Regrettably, other important stakeholders have failed to be constructive. We strongly condemn the dangerous sabre-rattling and war-mongering statement of the Croatian President, Mr. Stjepan Mesić. There is no justification for threatening the use of force against Bosnia or any other Western Balkan country. Serbia categorically rejects such provocations, and we expect every other responsible stakeholder to do the same. We have had enough of this.

At the same time, to be crystal-clear, Serbia remains fundamentally committed to working with Croatia and all other United Nations Member States on resolving all outstanding bilateral and regional issues. Serbia is going to support integration into the European Union of all Western Balkan countries, honestly and fully.

I am grateful for this opportunity to explain the official position of the Serbian State.

The President (*spoke in Chinese*): Mr. Skender Hyseni has asked to make a further statement, and I call on him now.

Mr. Hyseni: For the sake of clarification, I wish to state that Kosovo and Serbia negotiated final status for Kosovo for two and a half years. At the end of those negotiations — at the final round of talks, which took place in Vienna — the Kosovo side proposed a friendship and cooperation treaty between Kosovo and Serbia, suggesting that joint commissions would be established as instruments to observe the implementation of provisions on the protection of the Serb minority in Kosovo. Kosovo is committed to peace and dialogue with all its neighbours, and that is what Kosovo has been engaged in.

I cannot leave this Chamber without clearly underscoring that Kosovo is the last country which would want disorder or destabilization. Kosovo has suffered for too long — for more than a century — under various foreign regimes. One should not interpret wishfully any statement coming out of Kosovo. We are not being obstructive or interfering in Serbia or in any system in Serbia, as the Serbian

Government has been doing by interfering very disruptively in many systems of Kosovo. Kosovo possesses and is a single legal entity: a single judiciary and juridical entity. Nominating prosecutors and judges for the courts in Kosovo constitutes a severe attack on the systems of another country — a neighbouring country. That sort of continued interference may destabilize the region; it may destabilize Kosovo. We all want to avoid that.

I can assure the Council that Kosovo is the last country on Earth to destabilize the region. Quite the opposite: we all know how significantly — how critically — Kosovo's independence contributed to regional peace and safety.

Dialogue on Kosovo's independence and negotiations on Kosovo's independence are unacceptable. It is something we cannot and will not subscribe to. Let me re-emphasize Kosovo's willingness and readiness, as soon as tomorrow, to sit with the authorities in Belgrade and discuss any issue whatsoever of common interest — and trust me: there are many issues of that kind. We would like to see Belgrade joining in the efforts of other countries in the Western Balkans to build a better future for all: a European future; a North Atlantic future.

I wish to comment very briefly on a few claims that were made here today. With respect to the participation of Kosovo in regional structures and initiatives, yes, Kosovo is willing to take part in all such initiatives, as we are certain that that would benefit not only Kosovo but also the region. But Serbia is blocking our participation, as it is blocking our exports. We buy a lot from Serbia; we import a lot. But we cannot export to Serbia, because Serbia has been blocking exports from Kosovo.

The electricity issue has become almost ridiculous. I would like to know: in what country where there is profound law and order are citizens allowed not to pay their electricity bills? We have tolerated that in Kosovo for more than 10 years, and we are willing to look into the needs of our communities — into the needs of members of the Serb community in the first place — as we have done for more than 10 years. For more than 10 years, the vast majority of the members of the Serb community have not paid their electricity bills. We are a country which is scoring economic growth and which is making progress. But we are not yet rich enough to allow any of our citizens not to pay for what they purchase. Still, we are willing to look into the possibility of various subventions, as we have done in the past, to meet the needs of our citizens.

I just need also to clarify, for the sake of better understanding, the issue of a so-called minister for Kosovo visiting Kosovo. As all members may know, there is a principled agreement between the European Union Rule of Law Mission in Kosovo, the international presence in Kosovo, and the authorities in Belgrade to announce such visits. The order is thus: the visits are announced to the international presence in Kosovo, and the latter comes to us seeking agreement — which of course we give. And we facilitate those visits. We provide an escort; we provide transportation: whatever we are required to do. The visit to which President Tadić referred was carried out on a very specific day: on the day of the solemn inauguration of the new municipal assembly in Shtërpce. That should not have happened. It was a clear provocation: a clear challenge to the security situation in that Serb-majority municipality. And we consider that and other recent actions on the part of the Republic of Serbia into Kosovo to be clear provocations and a clear challenge to security and stability in Kosovo.

What we stand for is in fact a profound understanding with the Republic of Serbia, and we are ready to seek ways that are acceptable to all sides to work together. We should help one another as we move ahead with European and NATO integration. But we cannot and will not discuss Kosovo's status: Kosovo's independence. It is a country which has been recognized by 65 nations around the world. And trust me, many more recognitions are coming in the weeks and months ahead. So, the sooner the authorities in Belgrade realize this reality — and accept it as a reality — the better. We are not inviting Belgrade to recognize Kosovo formally, at least not in any near future. But non-recognition should not prevent Belgrade from working with us on the great many issues of profound mutual interest for regional peace and safety.

The President (*spoke in Chinese*): There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 5.45 p.m.